

KMK

KULWIN
MASCIOPINTO
KULWIN

March 18, 2008

Via Facsimile

George Knickerbocher
Village of Elk Grove
900 Wellington Ave.
Elk Grove, IL 60007

Re: Daniel Poole v. City of Burbank, et al.; No. 07 C 6355

Dear Mr. Knickerbocher:

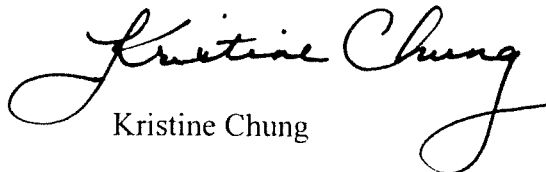
Thank you for taking the time to speak with me yesterday. As I mentioned in our telephone conversation, we had issued a subpoena to the Village of Elk Grove Police Department in the above-referenced matter. Per your request, I have attached the subpoena.

On March 14, 2008, the Police Department informed me that, due to a pending criminal investigation, the nature of which could not be disclosed, the Police Department will not produce any information or documents responsive to the subpoena. You advised me yesterday that you were unaware of the subpoena or any criminal investigation which would preclude the Police Department from responding to the subpoena. Accordingly, you advised me that you would review the subpoena and contact me regarding if, and when, the Village will produce documents responsive to the subpoena.

Given the current deadlines set in the above-referenced litigation, I would greatly appreciate it if you would please contact me within ten (10) days of this letter.

If you believe this letter is inaccurate in any way, please contact me immediately. Thank you for your assistance and attention to this matter.

Very truly yours,


Kristine Chung

Enclosures



Issued by the
UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

ILLINOIS

Daniel Poole

V.

City of Burbank, et al.

SUBPOENA IN A CIVIL CASE

Case Number:¹ 07 C 6355

TO: Custodian of Records
Elk Grove Village Police Department
900 Wellington Ave., Elk Grove, IL 60007

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

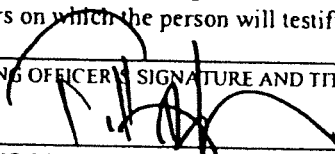
PLEASE SEE ATTACHED RIDER

PLACE Kulwin, Masciopinto & Kulwin, LLP 161 N. Clark Street, Suite 2500, Chicago, IL 60601	DATE AND TIME 3/28/2008 9:00 a.m.
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- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Jeffrey R. Kulwin, Attorney for Plaintiff	DATE 3/7/2008
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Jeffrey R. Kulwin, KULWIN, MASCIOPINTO & KULWIN
161 N. Clark Street, Suite 2500, Chicago, IL 60601, 312/641-0300

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DANIEL POOLE,)	
)	No. 06 C 6355
Plaintiff,)	
vs.)	
)	
CITY OF BURBANK, et al.)	
)	
Defendant)	

DOCUMENT SUBPOENA RIDER

DEFINITIONS AND INSTRUCTIONS

1. "Document": As used herein the word "document" shall mean and include all tangible items whenever made including, but not limited to, letters, notes, emails, invoices, reports, memoranda, transcripts, working papers, correspondence, phone messages, instructions, records, diaries, calendars, minutes, articles, charts, graphs, drawings, schematics, tables, papers, checks or money orders, any audio, photographic or video recording, any magnetic card, memory disc or data stored in any other data or word processing system, computer programs and printouts, and all other instruments and writings of every sort, whether handwritten, typewritten, printed, copied, photographed, photostated or otherwise prepared or reproduced. The word "document" includes drafts, preliminary versions and subsequently altered copies of every such document. This request calls for production of each and every copy of such document that is not an exact duplicate of another copy which is produced. In instances where two or more exact duplicates are available, the request calls for production of the most legible copy.

2. "Communication," as used herein, means any exchange of words, thoughts or ideas, whether by documentation, orally, or other means.

3. "The Village" refers to the Village of Elk Grove, its employees, agents and/or affiliates.

4. "Relating to" as used herein, means referring to, reflecting or to be related in any manner logically, factually, indirectly, or directly to the matter discussed.

5. "Police Department" as used herein refers to Elk Grove Village Police Department including its employees, officers, subsidiaries, divisions, agents, servants,

6. "Plaintiff" as used herein refers to Daniel Poole, his agents, servants, and/or affiliates.

7. The Village and/or the Police Department are requested to identify all documents for which they claim any privileges (including attorney work product) in their response to this subpoena and state the basis upon which the claim or privilege is being made. As used herein, the term "identify" when referring to a document, shall mean to set forth the following information:

- (1) Date, nature and general subject matter of the document.
- (2) Paragraphs of this request which are applicable;
- (3) Identity of person or persons preparing the document;
- (4) Identity of any person or persons whom the contents of the document have already been communicated; and
- (5) The identity of the persons or entities now in the possession or control of the document.

DOCUMENT REQUESTS

The Village and/or the Police Department are requested to produce the following documents:

1. All documents relating to the Police Department's investigation and involvement with Plaintiff arising out of an accident which occurred on November 16, 2007.
2. All communications relating to the Police Department's investigation and involvement with Plaintiff arising out of an accident which occurred on November 16, 2007.
3. All documents which relate to any communications between the Police Department and the Village of Burbank Police Department relating to Plaintiff.
4. All documents which relate to the reasons why the Police Department pursued and/or was otherwise seeking to stop Plaintiff on November 16, 2007.
5. All documents which relate to Plaintiff.

hp LaserJet 3380



Mar-18-2008 10:28AM

Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
223	3/18/2008	10:26:09AM	Send	18473574044	1:48	5	OK

F A C S I M I L E



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CONFIDENTIALITY NOTE: The information contained in this facsimile transmittal is legally privileged and confidential information intended only for the use of the individual listed below. If the reader of this transmission is not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copy of this transmission is strictly prohibited.

To: George Knickerbocher
 Fax No.: 847/357-4044
 From: Kristine Chung
 Pages: 5 (including this cover sheet)
 Date: March 18, 2008

Our automatic telecopier number is (312) 855-0350. If you experience problems in receiving this transmission, please call us at (312) 641-0300.

NOTES:

KULWIN, MASCIOPIATO & KULWIN, L.L.P. 161 NORTH CLARK STREET SUITE 2500 CHICAGO, IL 60601
 T: 312.641.0300 F: 312.855.0350 WWW.KMKLAW.LP.COM